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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,464	03/09/2001	Edward J. Bawolek	42390P4290DC	7263
8791	7590 07/23/2004		EXAMINER	
	SOKOLOFF TAYLOR &	DIAZ, JOSE R		
	VILSHIRE BOULEVARD, SEVENTH FLOOR NGELES, CA 90025		ART UNIT	PAPER NUMBER
LOS MITOL	DD5, C11 70025		2815	
			DATE MAILED: 07/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		/S
	Application No.	Applicant(s)
	09/802,464	BAWOLEK ET AL.
Office Action Summary	Examiner	Art Unit
	José R. Díaz	2815
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.12 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply lift NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a y within the statutory minimum of thin will apply and will expire SIX (6) MON to cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 10 M This action is FINAL. Since this application is in condition for alloware closed in accordance with the practice under E 	action is non-final. nce except for formal mat	
Disposition of Claims		
4) ⊠ Claim(s) 23-28 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 23-28 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	wn from consideration.	·
Application Papers		
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 10 May 2004 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) ☐ The oath or declaration is objected to by the Ex	☑ accepted or b)☐ obje drawing(s) be held in abeya tion is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	ts have been received. ts have been received in A nity documents have beer u (PCT Rule 17.2(a)).	Application No n received in this National Stage
Attachment(s)	🗖	
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152)

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishigaki et al. (US Patent No. 4,870,483).

Regarding claims 23, Nishigaki et al. teaches a method comprising:

exposing a plurality of photodiodes (11A, 11B and 11C) of an image sensor (20) (see fig. 4) to a light source (see col. 4, line 64: "light-receiving area");

modifying a light receiving area (b) of a first photodiode (11C) and a second photodiode (11A or 11B) (see fig. 4) by the use of one or more light shields (see col. 4, lines 11-21), such that, for a given size of light receiving area, a first photodiode (11C) is exposed to a greater amount of incident light than a second photodiode (11A or 11B) (see fig. 4 and col. 4, lines 63-68).

Regarding claims 24 and 27, Nishigaki et al. further teaches that the step of modifying the light receiving area comprises modifying on the basis of a responsivity of a color (R, G, B) assigned to one of the first photodiode (Blue) and the second photodiode (Red or Green) (see col. 4, lines 64-66).

Regarding claims 25 and 28, Nishigaki et al. further teaches that the step of modifying the light receiving area comprises masking a portion of one of the first

Application/Control Number: 09/802,464

Art Unit: 2815

photodiode and the second photodiode from incident light (consider the portions of the photocell 20 masked by the shield layer (i.e. a and d) as shown in figure 4 and disclosed in col. 4, lines 11-35)

Regarding claim 26, Nishigaki et al. teaches a method comprising:

providing an image sensor comprising a plurality of pixels (11A, 11B and 11C) (see fig. 4);

modifying a light receiving area (b) of alternate pixels (11A, 11B and 11C) (see fig. 4) by the use of one or more light shields (see col. 4, lines 11-21), such that, for a given size of light receiving area, a first pixel (11C) is exposed to a greater amount of incident light than a second pixel (11A or 11B) (see fig. 4 and col. 4, lines 63-68); and capturing an incident light (col. 4, lines 66-68).

Response to Arguments

3. Applicant's arguments with respect to claims 23-28 have been considered but are most in view of the new ground of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perregaux et al. (US Pat. No. 5,119,181) discloses photodiodes (65-67) with adjusted active area (see fig. 9); and Shinji (US Pat. No. 5,578,842) discloses exposing a first pixel area (6) located beneath micro lens (19) to a greater

Application/Control Number: 09/802,464

Art Unit: 2815

amount of incident light (20) than a second pixel area (6) not having the micro lens (19) (see fig. 9).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R. Díaz whose telephone number is (571) 272-1727. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/802,464 Page 5

Art Unit: 2815

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JRD 7/20/04

TOM THOMAS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800